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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,181

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EXAMINER

HENRY, RODNEY M

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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/631,181	Applicant(s) KOSER ET AL.	
	Examiner RODNEY M. HENRY	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final action. Claims 1-22 are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-18, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara (US 6,577,861).

Regarding claim 1

Ogasawara discloses a system for executing promotions comprising:

a. a point-of-sale computer at a checkout counter for processing purchase of items (See col 5, line 47);

b. a customer interface device at the checkout counter for alerting a customer to the existence of a promotion (See col 10, lines 58-61) and for transferring details of the promotion to the point-of-sale computer wherein the details of the promotion appear as barcode data to the point of sale computer (See col 10, line 47).

c. a local promotional server wirelessly connected to the customer interface device for sending the details of the promotion to the customer interface display device. (See col 10, lines 58-61).

Regarding claim 2

Ogasawara discloses a central promotional server for sending the details of the promotion to the local promotional server, wherein the local promotional server and the central promotional server are connected by a global network (See col 10, lines 58-61).

Regarding claims 3 and 22

Ogasawara discloses a method of delivering a promotion comprising the steps of:

collecting and storing information about a customer (see col 10, lines 22-24);
generating a promotion based upon the information about the customer (see col 10, lines 58-61);

determining that the customer is purchasing items at a checkout counter (see col 5, line 47);

wirelessly delivering details of the promotion to a customer interface device at the checkout counter (see col 10, lines 58-61, and col 5, line 47);

displaying a message to the customer informing the customer that the customer is to receive the promotion (see col 10, lines 50-52 regarding displays);

sending the details of the promotion to a point-of-sale computer at the checkout counters, including sending the details as bar code data (see col 10, line 47).

executing the promotion by the point-of-sale computer (see col 6, line 39).

Regarding claims 4, 20

Ogasawara discloses a system for executing promotions comprising:

a point-of-sale computer at a checkout counter for processing purchase of items (See col 5, line 47);

a customer identification device at the checkout counter (see col 5, lines 44-47).

a customer interface device at the checkout counter including a display (see col 10, lines 50-52);

a local promotional server wirelessly connected to the customer interface device for sending the details of the promotion to the customer interface display device.

(See col 10, lines 58-61);

wherein the customer interface device displays a message informing a customer that the customer is to receive the promotion and transfers the details of the promotion to the point-of-sale computer for processing by the point-of-sale computer (see col 10, lines 49-52 and col10, lines 58-61).

Regarding claim 5

Ogasawara discloses the customer interface device further comprising a printer for printing the details of the promotion (see col 6, lines 35-36).

Regarding claims 6

Ogasawara discloses means for the local promotional server communicating with the customer interface device over a wireless local area network (See FIG. 1).

Regarding claim 7

Ogasawara discloses a central promotional server for sending the details of the promotion to the local promotional server, wherein the local promotional server and the central promotional server are connected by a global network (See FIG. 1).

Regarding claim 8

Ogasawara discloses the local promotional server stores identification information for loyalty program members, receives customer identification information from the customer identification device, and determines that the customer has earned the promotion. (see col 10, lines 22-26, and col10, lines 58-61).

Regarding claim 9

Ogasawara discloses the customer identification device includes a card reader. (see col 4, line 49).

Regarding claim 10

Ogasawara discloses the customer identification device includes a barcode reader (see col 4, lines 58-60).

Regarding claim 11

Ogasawara discloses the customer identification device includes a keyboard
(See FIG 1, item 18 and 44).

Regarding claim 12

Ortiz et al. discloses the customer identification device is coupled to the point-of-sale terminal (see col 4, lines 56-58, and col 5 line 47 via wirelessly),
and wherein the point-of-sale terminal sends customer identification information to the customer interface device (see col 10, lines 29-32 via authorization).

Regarding claim 13

Ogasawara discloses the customer identification device is coupled to the customer interface device. (see col 10, lines 22-26 via wireless).

Regarding claims 14, 15

Ogasawara discloses the local promotional server stores first identification information for first loyalty program members, receives customer identification information from the customer identification device, attempts to verify that the customer is a member of a customer loyalty program by comparing received identification information to the first customer identification information (see col 10, lines 26-32).

Regarding claim 16

Ogasawara discloses the point-of-sale computer sends item identification information associated with the items to the customer interface device, wherein the customer interface device sends the item identification information to the

local promotional server, wherein the local promotional server determines that the item identification information triggers a discount based upon the details of the promotion and sends discount parameters to the customer interface device, and wherein the customer interface device sends a discount transaction to the point-of-sale terminal. (see col 10, lines 49-52).

Regarding claim 17

Ogasawara discloses the customer interface device sends the discount transaction to the point-of-sale terminal in bar code data format (see col 11, lines 34-42).

Regarding claim 18

Ogasawara discloses the customer interface device displays advertisements (see col 10, lines 58-61 via promotional information).

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,577,861), in view of Sloane (US 5,918,211).

Regarding claims 19

Ogasawara discloses the above. Ogasawara does not explicitly disclose that the customer interface device completes a sweepstakes registration process.

However, Sloane discloses the customer interface device completes a sweepstakes registration process (see col 5, line 47).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add sweepstakes to the system of Ogasawara. One would have been motivated to do this as a means of adding to the interest and involvement of shoppers standing in a checkout counter line.

Response to Arguments

3. Applicant's arguments, filed February 4, 2008, with respect to the rejection(s) 1-22 have been fully considered and responses are provided below.

Applicant's arguments are moot in view of new grounds of rejection above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Powell, Ken R. et al. (US 6354492) discloses a system and method employing a portable card to configure a store for product promotion.

Ortiz, Luis M. et al. (US 7209733) discloses a credit manager method and system.

Microsoft Computer Dictionary, Fifth Edition

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached 570-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMH

/Arthur Duran/

Primary Examiner, Art Unit 3622

4/2/2008